

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 20-mj- 5252

John Stuart

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

COUNT 1

On or about October 19, 2020, in the County of Erie, in the Western District of New York, the defendant, **JOHN STUART**, did knowingly possess any material that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, including by computer, and that were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 2

On or about October 19, 2020, in the County of Erie, in the Western District of New York, the defendant, **JOHN STUART**, knowing that he was an unlawful user of a controlled substance as defined in 21 U.S.C. § 802, did knowingly possess a firearm, that is, a Glock model 43X, 9 millimeter pistol bearing serial number BNGY234, said firearm having been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Section 922(g)(3) and 924(a)(2).

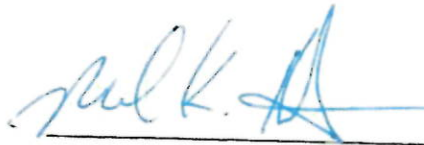
COUNT 3

On or about October 19, 2020, in the County of Erie, in the Western District of New York, the defendant, **JOHN STUART**, did knowingly, intentionally, and unlawfully manufacture a quantity of marijuana plants, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

MICHAEL HOCKWATER
TASK FORCE OFFICER
FEDERAL BUREAU OF INVESTIGATION

Printed name and title

Sworn to and signed telephonically.

Date: October 20, 2020



Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

I, **MICHAEL HOCKWATER**, a Task Force Officer with the Federal Bureau of Investigation being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Police Detective with the Town of Cheektowaga, New York Police Department. I have been a Police Officer since August of 1989. I am currently assigned as a Task Force Officer with the Federal Bureau of Investigation (FBI), Buffalo Field Office, Cyber Task Force, Innocent Images National Initiative, which targets individuals involved in the on line sexual exploitation of children. I have been a Task Force Officer since June 14, 2010. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography in various forms of media, including computer media. Moreover, I was deputized as a federal law enforcement officer who is authorized to investigate violations of criminal laws, including Title 18 U.S.C.

2. During my time as a Task Force Officer, I have also participated in investigations involving drug trafficking and organized crime matters. In addition, I have had the opportunity to work with several other FBI agents and other law enforcement agents and officers of varying experience levels, who have also investigated drug trafficking networks,

with regard to the manner in which controlled substances are obtained, diluted, packaged, distributed, sold, and used within the framework of drug trafficking in the Western District of New York

3. Your Affiant states that this investigation was conducted by FBI Special Agents and other law enforcement personnel assigned to the FBI Buffalo Division Child Exploitation Task Force and the Cheektowaga Police Department. This affidavit is based upon your affiant's personal knowledge, information provided by other law enforcement personnel, and evidence obtained during this investigation. It is submitted for the limited purpose of establishing probable cause, and, as such, I have not included details of every aspect of this investigation

4. The statements contained in this affidavit are based in part on information provided by U.S. federal law enforcement agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by law enforcement agents/analysts and computer forensic professionals; and my experience, training and background as an FBI Task Force Officer. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation.

5. Your affiant makes this affidavit in support of a Criminal Complaint charging **JOHN STUART (STUART)** with violating Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(a)(b)(2) (possession of child pornography); Title 18, United States Code, 922(g)(3) (possession of a firearm by an unlawful user of a controlled substance); and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D) (manufacture of marijuana) (hereinafter, the Target Offenses).

6. On October 19, 2020, members of the FBI Buffalo Child Exploitation Task Force, and the Cheektowaga Police Department executed a search warrant at 1010 Cleveland Drive, Cheektowaga, New York 14225 searching for evidence of the possession of child pornography. During the search, law enforcement seized an Apple MacBook, a Samsung cellphone, two Western Digital External Hard Drives, a Dell laptop, and a desktop computer tower from the residence. During the search, agents and officers found a bedroom that was transformed into a marijuana growing operation. The room consisted of a tent housing approximately 5 mature marijuana plants, and 4 smaller plants, being grown hydroponically. Also found during the search was approximately one pound of dried marijuana ready for use, another quantity of approximately 6 pounds of wet marijuana which will produce approximately 1 pound of marijuana once dried, as well as a quantity of psilocybin mushrooms. All of these substances are Schedule I controlled substances. The same search also yielded three firearms in the residence. One such firearm was a Glock model 43X, 9 millimeter pistol, bearing serial number BNGY234, loaded with 9 rounds of ammunition. During a subsequent non-custodial interview of **STUART**, he told officers that the marijuana

grow operation was owned by him and that he used the marijuana regularly to combat stress. **STUART** denied ever selling any of the marijuana stating that it was grown by him for personal use only. **STUART** also advised officers that the Glock handgun was his and was registered on his New York State Pistol Permit.

7. On October 19, 2020, your affiant conducted a preliminary examination of the 8GB PNY micro SD card installed in **STUART**'s Samsung Galaxy cell phone seized during the execution of the search warrant at 1010 Cleveland Drive, Cheektowaga, New York 14225. The following are descriptions of three videos found on the micro SD card:

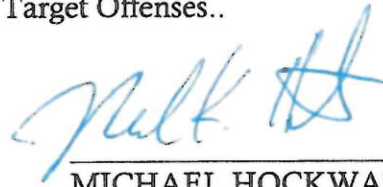
filename	Description
Lesha13yo&Roma14yofuckeachother.mp4	A 16 min 15 second video of two teenage males under the age of 15 having anal intercourse
UKtwinkfuckedwhilecaged.mp4	A 44 second video of two teenage males under the age of 15 having anal intercourse
Bibcam-cucumberdildo.mp4	A 6 minute 1 second video of a teen age male under the age of 15 inserting a cucumber into his anus.

Based on my training and experience and my review of these videos, I believe these videos meet the definition of child pornography defined in Title 18, United States Code, Section 2256(8). Analysis of the other seized electronic devices from **STUART**'s residence is pending with the forensic laboratory.

8. On October 19, 2020, I spoke with Special Agent Thomas Galluch of the Bureau of Alcohol, Tobacco, Firearms and Explosives Agency who is a certified interstate

nexus expert. SA Galluch confirmed that the Glock model 43X, 9 millimeter pistol, bearing serial number BNGY234, was manufactured outside of New York State. Accordingly, the Glock traveled in and effected interstate commerce.

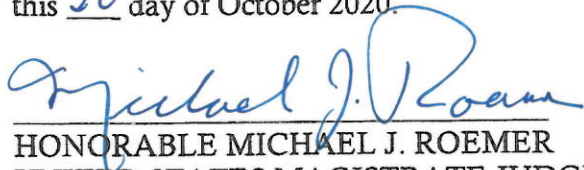
9. WHEREFORE, based on the foregoing, I submit that there is probable cause to believe that JOHN STUART has committed the Target Offenses..



MICHAEL HOCKWATER
Federal Bureau of Investigation
Task Force Officer

Sworn to and subscribed telephonically

this 20th day of October 2020.



HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE